

1 A bill to be entitled
 2 An act relating to public school accountability; providing
 3 a popular name; amending s. 1008.34, F.S.; revising school
 4 performance grade categories; revising requirements for
 5 obtaining increased budget authority by schools; revising
 6 the method for determining school performance grades;
 7 providing for public hearings relating to the adoption of
 8 school performance grade requirements; amending s.
 9 1008.36, F.S.; renaming the Florida School Recognition
 10 Program as the Students First Program and revising
 11 provisions thereof; providing program components;
 12 providing for the use of Students First Program funds;
 13 providing duties of the Department of Education; providing
 14 an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. This act may be cited as the "Students First
 19 Act."

20 Section 2. Subsections (2), (3), and (4) of section
 21 1008.34, Florida Statutes, are amended to read:

22 1008.34 School grading system; district performance
 23 grade.--

24 (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual
 25 report shall identify schools as being in one of the following
 26 grade categories defined according to rules of the State Board
 27 of Education:

- 28 (a) "Passing with Distinction." ~~"A," schools making~~
- 29 ~~excellent progress.~~
- 30 (b) "Passing." ~~"B," schools making above average progress.~~
- 31 (c) "Failing." ~~"C," schools making satisfactory progress.~~
- 32 ~~(d) "D," schools making less than satisfactory progress.~~
- 33 ~~(e) "F," schools failing to make adequate progress.~~

34

35 Each school designated in performance grade category "Passing

36 with Distinction," ~~"A," making excellent progress,~~ or having

37 improved at least one ~~two~~ performance grade category ~~eateries,~~

38 shall have greater authority over the allocation of the school's

39 total budget generated from the FEFP, state categoricals,

40 lottery funds, grants, and local funds, as specified in state

41 board rule. The rule must provide that the increased budget

42 authority shall remain in effect until the school's performance

43 grade declines. Beginning in the 2005-2006 school year, a school

44 that has been designated as performance grade category "F" in a

45 prior school year shall not be designated as performance grade

46 category "Failing" using the current year's data if that school

47 has shown at least a 50-percent increase toward the baseline

48 score in each subject area.

49 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE

50 CATEGORIES.--For purposes of determining school performance,

51 student performance should be based on a student's annual

52 learning gains when the gain can be measured with an accurate

53 and consistent assessment system. School performance grade

54 category designations itemized in subsection (2) shall be based

55 on the following:

56 (a) Timeframes.--

57 1. School performance grade category designations shall be
58 based on the school's current year performance and the school's
59 annual learning gains.

60 2. Beginning in school year 2005-2006, a school's
61 performance grade category designation shall be determined based
62 upon the following weighted factors for the following grade
63 levels, according to rules adopted by the State Board of
64 Education:

65 a. For kindergarten through grade 2, 60 percent of the
66 performance grade shall be based on the percentage of classes
67 for which there is a ratio of 1 teacher to 20 students, 20
68 percent shall be based on attendance, 10 percent shall be based
69 on parental involvement, and 10 percent shall be based on school
70 safety.

71 b. For grades 3 through 5, 60 percent of the performance
72 grade shall be based on FCAT scores, 20 percent shall be based
73 on attendance, 10 percent shall be based on parental
74 involvement, and 10 percent shall be based on school safety.

75 c. For grades 6 through 10, 60 percent of the performance
76 grade shall be based on FCAT scores, 10 percent shall be based
77 on attendance, 10 percent shall be based on the dropout rate, 10
78 percent shall be based on parental involvement, and 10 percent
79 shall be based on school safety.

80 d. For grades 11 and 12, 35 percent of the performance
81 grade shall be based on the dropout rate; 35 percent shall be
82 based on the number of acceleration mechanisms available to
83 students, including, but not limited to, Advanced Placement

84 courses and dual enrollment courses; 10 percent shall be based
 85 on attendance; 10 percent shall be based on parental
 86 involvement; and 10 percent shall be based on school safety.

87
 88 During the 2007-2008 school year, the Legislature shall conduct
 89 public hearings on the school performance grade requirements of
 90 this paragraph to receive recommendations for revisions to
 91 improve such requirements. The recommendations shall be
 92 considered prior to adopting school performance grade
 93 requirements for the 2008-2009 school year and thereafter.

94 ~~2. A school's performance grade category designation shall~~
 95 ~~be based on a combination of student achievement scores, student~~
 96 ~~learning gains as measured by annual FCAT assessments in grades~~
 97 ~~3 through 10, and improvement of the lowest 25th percentile of~~
 98 ~~students in the school in reading, math, or writing on the FCAT,~~
 99 ~~unless these students are performing above satisfactory~~
 100 ~~performance.~~

101 (b) Student assessment data.--Student assessment data used
 102 in determining school performance grade categories shall
 103 include:

104 1. The aggregate scores of all eligible students enrolled
 105 in the school who have been assessed on the FCAT.

106 2. The aggregate scores of all eligible students enrolled
 107 in the school who have been assessed on the FCAT, including
 108 Florida Writes, and who have scored at or in the lowest 25th
 109 percentile of students in the school in reading, math, or
 110 writing, unless these students are performing above satisfactory
 111 performance.

112
 113 The Department of Education shall study the effects of mobility
 114 on the performance of highly mobile students and recommend
 115 programs to improve the performance of such students. The State
 116 Board of Education shall adopt appropriate criteria for each
 117 school performance grade category. The criteria must also give
 118 added weight to student achievement in reading. Schools
 119 designated as performance grade category "Passing" ~~"C," making~~
 120 ~~satisfactory progress,~~ shall be required to demonstrate that
 121 adequate progress has been made by students in the school who
 122 are in the lowest 25th percentile in reading, math, or writing
 123 on the FCAT, including Florida Writes, unless these students are
 124 performing above satisfactory performance.

125 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
 126 identify each school's performance as having improved, remained
 127 the same, or declined. This school improvement rating shall be
 128 based on a comparison of the current year's and previous year's
 129 student and school performance data. ~~Schools that improve at~~
 130 ~~least one performance grade category are eligible for school~~
 131 ~~recognition awards pursuant to s. 1008.36.~~

132 Section 3. Section 1008.36, Florida Statutes, is amended
 133 to read:

134 1008.36 Students First Florida School Recognition
 135 Program.--

136 (1) The Legislature finds that in order to provide every
 137 student enrolled in K-12 public schools with the opportunity to
 138 achieve a successful public education, academic problems must be
 139 identified early and remediation and intervention services must

140 be provided. It is the intent of this section that no child
 141 shall be left behind ~~there is a need for a performance incentive~~
 142 ~~program for outstanding faculty and staff in highly productive~~
 143 ~~schools. The Legislature further finds that performance-based~~
 144 ~~incentives are commonplace in the private sector and should be~~
 145 ~~infused into the public sector as a reward for productivity.~~

146 (2) The Students First Florida School Recognition Program
 147 is created to provide ~~financial awards to public schools that:~~

148 (a) A curriculum-based, year-round measurement of learning
 149 gains for all kindergarten students enrolled in public schools.
 150 ~~Sustain high performance by receiving a school grade of "A,"~~
 151 ~~making excellent progress; or~~

152 (b) Remediation and intervention services to all
 153 kindergarten through grade 12 students enrolled in public
 154 schools who are not meeting grade-appropriate performance
 155 expectations, including FCAT scores ~~Demonstrate exemplary~~
 156 ~~improvement due to innovation and effort by improving a letter~~
 157 ~~grade.~~

158 (3) All public schools, including charter schools, ~~that~~
 159 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to
 160 participate in the program.

161 (4) All ~~selected~~ schools shall receive financial
 162 assistance awards depending on the availability of funds
 163 ~~appropriated and the number and size of schools selected to~~
 164 ~~receive an award.~~ Funds must be distributed to the school's
 165 fiscal agent and placed in the school's account and must be used
 166 for purposes listed in subsection (5) as determined jointly by
 167 the school's staff and school advisory council. ~~If school staff~~

168 ~~and the school advisory council cannot reach agreement by~~
169 ~~November 1, the awards must be equally distributed to all~~
170 ~~classroom teachers currently teaching in the school.~~

171 (5) Students First Program funds ~~School recognition awards~~
172 must be used for the following:

173 (a) Administration of the Dynamic Indicators of Basic
174 Early Literacy Skills (DIBELS) to all kindergarten students
175 enrolled in public schools ~~Nonrecurring bonuses to the faculty~~
176 ~~and staff;~~

177 (b) Nonrecurring expenditures for remediation of low-
178 performing students, including remediation programs and
179 intervention services adopted and administered by the Department
180 of Education;

181 (c)~~(b)~~ Nonrecurring expenditures for educational equipment
182 or materials to assist in the remediation of low-performing
183 students maintaining and improving student performance; or

184 (d)~~(e)~~ Temporary personnel for the school to assist in the
185 remediation of low-performing students; or maintaining and
186 improving student performance.

187 (e) Contracts with private sector participants to provide
188 remediation services, provided that 90 percent of the personnel
189 providing services reside in Florida.

190
191 ~~Notwithstanding statutory provisions to the contrary, incentive~~
192 ~~awards are not subject to collective bargaining.~~

193 Section 4. (1) The Department of Education shall provide
194 training and informational resources for educators to administer
195 the Dynamic Indicators of Basic Early Literacy Skills (DIBELS)

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196 and shall be responsible for creating and implementing
197 provisions for the collection and analysis of the testing data.

198 (2) The Department of Education shall establish policies
199 and procedures for the development of individual education plans
200 for low-performing students who need remediation and
201 intervention services.

202 Section 5. This act shall take effect July 1, 2005.